

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on January 16, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing: HB 55, HB 216, HB 217
Executive Action: HB 217

HEARING ON HB 55

Opening Statement by Sponsor:

00:00:48 Rep. Ray Hawk (R), HD 90, opened the hearing on HB 55,
Geographical restrictions on juvenile sexual offenders.

Proponents' Testimony:

00:02:48 Chairman Stoker

00:03:19 Deborah Silk, Associate Executive Director of the
Montana School Boards Association (MTSBA)

EXHIBIT(juh10a01)

00:04:28 Chairman Stoker

00:04:44 Ms. Silk

00:07:41 Chairman Stoker

00:07:53 John McGee, Superindendent of the Florence Carlton
School District

00:08:37 Chairman Stoker

00:08:39 Mr. McGee

00:10:42 Chairman Stoker

00:10:47 Lance Voegele, Trustee for Belgrade School District

00:12:10 Chairman Stoker

00:12:14 Ali Bovingdon, Attorney General's Office

00:13:40 Chairman Stoker

Opponents' Testimony:

00:14:05 Andy Hudak, Montana Sex Offender Treatment Association

00:14:32 Chairman Stoker

00:14:33 Mr. Hudak

00:20:09 Chairman Stoker

Informational Testimony:

00:20:28 David Chenault, Masters in Social Work student,
University of Montana

00:21:25 Chairman Stoker

Questions from Committee Members and Responses:

00:21:35 Rep. Ebinger

00:21:46 Chairman Stoker

00:21:52 Rep. Ebinger

00:21:54 Ms. Bovingdon

00:23:00 Rep. Ebinger

00:23:06 Ms. Bovingdon

00:23:26 Rep. Ebinger

00:23:28 Chairman Stoker
00:23:33 Rep. McClafferty
00:23:37 Chairman Stoker
00:23:43 Rep. McClafferty
00:23:51 Chairman Stoker
00:23:54 Rep. McClafferty
00:24:14 Ms. Bovington
00:26:02 Rep. McClafferty
00:26:03 Chairman Stoker
00:26:05 Rep. Bennett
00:26:18 Chairman Stoker
00:26:21 Mr. Hudak
00:26:24 Rep. Bennett
00:26:56 Mr. Hudak
00:27:40 Rep. Bennett
00:27:47 Mr. Hudak
00:28:53 Rep. Bennett
00:29:02 Mr. Hudak
00:29:12 Rep. Bennett
00:29:16 Rep. Wagner
00:29:49 Mr. Hudak
00:30:48 Rep. Wagner
00:31:46 Mr. Hudak
00:33:21 Rep. McClafferty
00:33:30 Mr. Hudak
00:34:46 Rep. Wagner
00:35:41 Mr. Hudak
00:36:45 Chairman Stoker
00:36:49 Rep. Wagner
00:37:04 Mr. Hudak
00:38:32 Chairman Stoker
00:38:35 Rep. Kottel
00:38:41 Chairman Stoker
00:38:50 Rep. Kottel
00:39:08 Mr. McGee
00:39:51 Rep. Kottel
00:40:19 Mr. McGee
00:40:32 Rep. Kottel
00:41:09 Mr. McGee
00:41:21 Rep. Kottel
00:41:30 Mr. McGee
00:41:33 Rep. Kottel
00:41:36 Chairman Stoker
00:41:38 Rep. Kottel
00:42:03 Ms. Silk
00:42:53 Rep. Kottel
00:43:03 Ms. Silk
00:43:32 Rep. Kottel
00:44:31 Ms. Silk
00:46:14 Rep. Kottel

00:46:35 Ms. Silk
00:47:44 Chairman Stoker
00:47:48 Rep. Sands
00:48:23 Ms. Bovington
00:48:52 Chairman Stoker
00:48:54 Rep. Sands
00:49:02 Ms. Bovington
00:49:10 Rep. Sands
00:49:12 Chairman Stoker
00:49:14 Rep. More
00:49:18 Chairman Stoker
00:49:23 Rep. More
00:49:55 Mr. Hudak
00:51:03 Rep. More
00:51:07 Chairman Stoker
00:51:31 Rep. More
00:51:33 Chairman Stoker

Closing by Sponsor:

00:51:36 Rep. Hawk

00:52:53 Chairman Stoker
00:52:55 Recess
01:06:41 Reconvene
01:06:42 Chairman Stoker

HEARING ON HB 216

Opening Statement by Sponsor:

01:08:12 Rep. Mike Menahan (D), HD 82, opened the hearing on HB
216, Increase penalty for felony DUI.
01:28:01 Chairman Stoker

Proponents' Testimony:

01:28:15 Mark Murphy, Chief Criminal Deputy, Yellowstone County
Attorney
01:34:35 Chairman Stoker
01:34:45 Jane Hamman, AAA Montana, Montana Traffic Educators
01:36:14 Chairman Stoker
01:36:25 Ali Bovington, Attorney General's Office
01:37:23 Chairman Stoker

Opponents' Testimony: None

Informational Testimony:

01:37:54 Diana Koch, Department of Corrections
01:38:56 Chairman Stoker
01:39:01 Ms. Koch
01:42:39 Chairman Stoker

Questions from Committee Members and Responses:

01:42:50 Rep. Peterson
01:43:04 Ms. Koch
01:43:06 Rep. Peterson
01:43:46 Ms. Koch
01:45:11 Chairman Stoker
01:45:17 Rep. MacDonald
01:46:01 Rep. Menahan
01:47:55 Chairman Stoker
01:47:59 Rep. Sands
01:48:44 Ms. Koch
01:51:04 Chairman Stoker
01:51:07 Rep. Bennett
01:51:37 Chairman Stoker
01:51:55 Pam Bunke
01:52:33 Chairman Stoker

Closing by Sponsor:

01:52:40 Rep. Menahan
01:52:44 Chairman Stoker

HEARING ON HB 217

Opening Statement by Sponsor:

01:52:58 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 217, Revise fish, wildlife and parks laws--enforcing MIP on state lands and waters.

01:53:31 Chairman Stoker
01:54:14 Rep. Sands
01:54:26 Chairman Stoker
01:55:08 Rep. Menahan
01:55:21 Chairman Stoker
01:55:22 Rep. Kottel
01:55:40 Chairman Stoker
01:55:52 Rep. Menahan
01:56:01 Chairman Stoker

EXECUTIVE ACTION ON HB 217

01:56:32 **Motion:** Rep. Peterson moved that **HB 217 DO PASS.**

01:56:47 Chairman Stoker

01:56:56 **Substitute Motion/Vote:** Rep. Kottel made a substitute motion that **HB 217 BE TABLED.** Substitute motion carried unanimously by voice vote.

01:57:47 Chairman Stoker

Informational Discussion:

01:58:10 Chairman Stoker

01:59:14 Rep. Kottel

01:59:20 Chairman Stoker

01:59:27 Rep. Kottel

01:59:32 Rep. Bennett

01:59:43 Chairman Stoker

02:01:19 Rep. Driscoll

02:01:24 Chairman Stoker

02:01:29 Rep. Driscoll

02:01:35 Chairman Stoker

02:01:59 Rep. Becker

02:02:04 Chairman Stoker

02:02:32 Rep. More

02:02:38 Chairman Stoker

02:03:01 Rep. More

02:03:07 Rep. Stoker

02:03:26 Rep. Peterson

02:03:33 Chairmen Stoker

02:03:36 Rep. Peterson

02:03:50 Chairman Stoker

ADJOURNMENT

02:05:06 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

[EXHIBIT\(juh10a02\)](#)

[EXHIBIT\(juh10a03\)](#)

Additional Documents:

[EXHIBIT\(juh10aad.pdf\)](#)